

REMARKS/ARGUMENTS

Claims 70-81 now stand in the present application, rejected claims 62-69 having been canceled. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

Applicants respectfully submit that the outstanding Office Action was improperly designated as a final Office Action. On January 25, 2006, Applicants filed a Request for Continued Examination (RCE). The RCE was filed so as to provide an Information Disclosure Statement (IDS) for the Examiner's consideration. In an Office Action mailed on June 8, 2006, the Examiner considered all of the references submitted on the above-mentioned IDS and issued a rejection of claims 62-81 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. In particular, the Examiner pointed out that there was no antecedent basis for a particular claim limitation.

In an Amendment filed on October 27, 2006, Applicants amended all of the claims in order to correct the § 112, first paragraph, deficiency pointed out by the Examiner. Thereafter, on January 19, 2007, the Examiner issued the present final Office Action rejecting claims 62-69 under 35 U.S.C. § 102(e) as being anticipated by Nagahama et al. Accordingly, this responsive Amendment is the first time that Applicants had an opportunity to respond to the Examiner's § 102(e) rejection of the claims based on the Nagahama et al. reference. Therefore, Applicants respectfully submit that the Examiner's designation of the outstanding Office Action as "final" is improper and respectfully requests that it be withdrawn.

It is important to have the finality of the Office Action withdrawn, because Applicants are concurrently filing an Information Disclosure Statement containing two Japanese references with full English translations which they would like to have considered and cited by the Examiner in the present case. Unless the finality of the present Office Action is withdrawn, these references will not be considered by the Examiner, but will only be placed into the application file. The above-described arguments were presented to Examiner Jackson in a telephonic interview on April 12, 2007.

As noted above, Applicants have canceled all of the rejected claims in this application and accordingly, all of the remaining claims have been deemed to be allowed by the Examiner thereby placing this case in condition for allowance.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 70-81, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

NAKAMURA et al.
Appl. No. 09/463,643
April 19, 2007

Respectfully submitted,

NIXON & VANDERHYE P.C.

CC:Imr

By: 
Chris Comuntzis
Reg. No. 31,097

901 North Glebe Road, 11th Floor
Arlington, VA 22203
Telephone: (703) 816-4000
Facsimile: (703) 816-4100